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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/858,245	05/19/1997	ROBERTO PADOVANI	QCPA418	5160

23696 7590 07/11/2003

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/11/2003

32

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/858,245

Applicant(s)

PADOVANI, ROBERTO

Examiner

Nguyen T Vo

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-43, 45-49 is/are allowed.
- 6) ☒ Claim(s) 32-38, 44, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Application

1. The request filed on 05/05/2003 for a Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 08/858,245 is acceptable and a RCE has been established. An action on the RCE as follows.

Claim Objections

2. Claims 39-43 are objected to because of the following informalities: claim 39 must be ended with a period --.--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 32-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 32, the recitation "messages" at line 10 should be changed to --measurements--.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 38, 44, 50-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersson (5,375,123).

As to claim 38, Andersson discloses all the claimed limitations. More specifically, Andersson discloses "setting a set of parameters of a cellular network to optimize said cellular network" (setting a set of carrier-to-interference ratios of the downlink channels to be used by a plurality of base stations, see column 4 lines 4-48. For the claimed limitation "optimize", see column 5 lines 25-35 which disclosing determining an optimal channel); "operating the cellular network in a predetermined interval" (the time interval in which a mobile station measures pilot signals, and reports the measured pilot signals to the base stations, see column 4 lines 14-49); "compiling strengths of pilot signals received at a mobile station and caused by said operating, said compilation resulting in a pilot strength message" (measuring interference values at the mobile stations, see column 4 lines 4-49); "communicating said pilot signal strength message from said mobile station to another station" (transmitting the measured values from the mobile station to a base station, see column 4 lines 4-9, lines 16-32), "saving data to a database from said received pilot signal strength messages during said predetermined interval" (see column 5 lines 25-35); and "revising said set of parameters in accordance with said data" (modifying the carrier-to-interference ratios at the base stations, see column 4 lines 33-49).

As to claims 44 and 50, they are rejected for similar reasons as set forth in claim 38 above.

As to claim 51, see Andersson, column 4 lines 4-9, lines 16-32.

Allowable Subject Matter

7. Claims 39-43 and 45-49 are allowed.

As to claims 39-43 and 45-49, the applied reference fails to disclose or render obvious saving pilot signal strength measurements for each base station in a database, wherein the pilot strength measurements are saved regardless of the measurement value; requesting a majority of said saved pilot strength measurements from the database; compiling said pilot strength measurements for said each base station; and saving compiled pilot strength messages in a database, as specified in independent claims 39 and 45.

8. Claims 32-37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

As to claims 32-37, the applied reference fails to disclose or render obvious the claimed invention for the reasons as set forth in independent claim 32 above.

Response to Arguments

9. Applicant's arguments with respect to claims 32-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Vo whose telephone number is (703) 308-6728. The examiner can normally be reached on Monday-Friday and alternate Monday from 8:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703)305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nguyen Vo

July 10, 2003



NGUYENT.VO
PRIMARY EXAMINER